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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

Written statement submitted by Human Rights Watch, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[22 January 1999]

GE.99-10698 (E)

1. Human Rights Watch has repeatedly expressed its view that the United Nations has not used fully its tremendous potential to address human rights issues worldwide. We consider the encouragement of the effective functioning of the United Nations human rights mechanisms one of our priorities. Therefore, we wish to highlight for the Commission several situations in which we believe the United Nations needs to take specific steps in order to contribute more effectively to the protection and promotion of human rights in the countries and areas concerned.

Algeria

2. The human rights situation in Algeria remains extremely grave. At the fifty-fourth session of the Commission, Human Rights Watch called for the appointment of a special rapporteur on the situation there. While members declined to introduce such a resolution, several publicly linked their decision to assurances by the Government that the United Nations thematic mechanisms would have access to the country. Since then, murderous armed attacks against civilians and sexual violence directed at women have claimed hundreds of new victims, but the promised access is still denied. The Government has allowed no independent inquiry, either Algerian or international, for the purpose of determining responsibility for the killings. Meanwhile its forces continue to engage in serious abuses such as torture, extrajudicial executions and forced "disappearances."

3. In the light of the gravity of the continuing abuses and the Government's refusal to allow a credible investigation into the sources of the violence, the Commission should appoint a special rapporteur on the situation in the country, with instructions to work jointly with the relevant thematic mechanisms and with the resources and authority to investigate gross and systematic abuses committed by armed groups and by the security forces.

Bahrain

4. Human Rights Watch welcomes the announcement made by the Government of Bahrain during the latest session of the Sub-Commission, agreeing to extend an invitation to the Working Group on Arbitrary Detention to visit the country. Our organization continues to receive reports of arbitrary detention and physical abuse by the security forces. The Government provides no information concerning the numbers or identities of persons detained, including those held without trial under the State Security Law, and those convicted and sentenced, or in some cases acquitted, following unfair trials before the State Security Court. No human rights groups are permitted to operate in Bahrain. The Government has denied requests by international human rights groups to conduct fact-finding missions and has reportedly threatened to disbar defence lawyers if they provide information about arrests and security court trials to the press or international monitors.

5. Human Rights Watch calls on the Commission to urge the Government of Bahrain publicly to set an early date for the visit of the Working Group and to accord it full cooperation and access to witnesses, as well as government officials.

Colombia

6. The Bogotá office of the United Nations High Commissioner for Human Rights continued to press the Government on human rights issues, including reforms to the military penal code and respect for international humanitarian law. Experts travelled throughout the country to document abuses and held regular meetings with government officials, representatives of human rights groups and Colombians wishing to deliver complaints. Human Rights Watch strongly supports the work of the office and believes that it has contributed to raising the international profile of human rights abuses in Colombia. In addition, the October 1998 visit of High Commissioner Mary Robinson to Colombia to express her profound concern was well timed. During her visit, the High Commissioner spoke out forcefully in defence of human rights defenders and against the impunity for officers that continues to reign in the tribunals run by the military.

7. However, the Government of Colombia has yet to implement recommendations submitted by the United Nations regarding long-standing issues of impunity and due process, and the abolition of paramilitary groups and their continuing ties to the Colombian military. In this regard, the increase of the number of experts in the Bogotá office from 7 to 12 was welcome, in order to increase pressure on the Government to address abuses and allow experts to concentrate on emergency situations.

Rwanda

8. Since the termination of the United Nations Human Rights Field Operation in Rwanda in July 1998, the United Nations human rights presence has been limited to education and aid to local initiatives, including a national commission. Given the continuing crisis, with "disappearances," near paralysis of the judicial system and the killing of civilians by insurgents and government forces, the Commission should broaden the mandate of the Special Representative to include monitoring the current situation.

Sudan

9. The Sudan remains the scene of some of the most severe human rights violations in the world because of abuses by all sides in the ongoing civil war. For several years now the Commission has recommended placing United Nations human rights monitors in the Sudan. The Special Rapporteur on the situation of human rights in the Sudan was requested in 1995 to assess the feasibility of this project and found that it was possible to base human rights monitors on the country's borders to receive testimony from refugees. In resolutions, it has adopted at subsequent sessions, including in 1998, the Commission has recommended giving priority to the placement of human rights field monitors. This recommendation, however, has not yet been acted upon.

10. Stationing monitors inside the country would be even more desirable, but the Government refuses, arguing that United Nations monitors are not necessary because international human rights groups such as Human Rights Watch can visit the country. We wish to inform the Commission that this is not true: in

1998, Human Rights Watch twice applied for a visa but the application was ignored, despite the fact that the Minister for Foreign Affairs of the Sudan, in a meeting, invited Human Rights Watch to visit the country.

Tajikistan

11. A June 1997 human rights needs-assessment mission to Tajikistan led by the Office of the High Commissioner for Human Rights (OHCHR) concluded that lasting peace was threatened by ongoing serious human rights violations. The mission recommended posting senior human rights experts in Dushanbe, providing human rights training for government, military, law enforcement and academic personnel, and making available constitutional and legislative advisory services and technical assistance for human rights organizations. United Nations representatives repeated these recommendations in 1998. As of the time of writing, however, no human rights specialists have been deployed to Tajikistan, United Nations human rights initiatives in general have been few and far between, and human rights monitoring continues to be glaringly absent from United Nations Mission of Observers to Tajikistan (UNMOT) activities.

12. In the meantime, respect for human rights in Tajikistan has deteriorated in the past year, fuelled mostly by the failures of the government-United Tajik Opposition (UTO) peace process that consistently threatened to collapse. The Security Council has extended the mandate of UNMOT until 15 May 1999.

13. Human Rights Watch urges the Commission on Human Rights to recommend that United Nations efforts to support the peace process include prompt action on the 1997 recommendations of OHCHR, including the immediate deployment of human rights experts to oversee human rights monitoring and training activities. In addition, we urge the Working Group on Arbitrary Detention and the Special Rapporteur on freedom of opinion and expression to conduct investigations and report to the Commission at its fifty-sixth session.

Territory of the former Yugoslavia

14. The solution to renewed conflict, persistent ethnic discrimination and widespread displacement in the former Yugoslavia lies in effective human rights implementation. Accordingly, Human Rights Watch calls for renewal of the full mandate of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia and for vigorous pursuit of that mandate, in conjunction with United Nations missions in the region.

15. In Croatia, and in Bosnia and Herzegovina, proactive human rights implementation is the only hope for resolving the gridlock over the return of displaced persons that cripples the region. The Special Rapporteur and, in Bosnia and Herzegovina, the United Nations International Police Task Force and the Human Rights Office, need to devote enhanced resources to establishing a consistent and effective field presence (well-trained in human rights monitoring); documenting and publicizing the serious human rights violations inhibiting return; engaging the local and national authorities; and insisting on accountability and redress.

16. OHCHR has recently expanded its presence in the Federal Republic of Yugoslavia (FRY) to seven field officers, signalling a much-needed commitment to human rights monitoring and implementation in that troubled country. Human Rights Watch strongly urges that additional United Nations human rights resources be allocated, however. OHCHR staff should work together with the Special Rapporteur to send a clear message to all parties to the conflict in Kosovo that there can be no justification for violations of international human rights and humanitarian law. To do so, these monitors must take proactive steps to document abuses, visit detention sites (in coordination with the International Committee of the Red Cross) and monitor politically motivated trials. Moreover, Human Rights Watch calls on the Commission to press the FRY authorities to cooperate fully with the International Tribunal and to grant the requested visit by the Special Rapporteur on extrajudicial, summary or arbitrary executions. Finally, we urge the Commission to endorse the role that the Special Rapporteur on the former Yugoslavia has played in supporting representatives of Serbian civil society working in an increasingly restrictive environment, especially the independent media and academics.